

### **Remarks/Arguments**

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed July 3, 2007. Claims 1-44 are rejected and claims 1, 4-8, 11, 12, 14, 18, 24, 27, 29, 34-39, 41, 43, and 44 are objected to.

In this Amendment, claims 1-34 have been amended. Claims 35-39 and 43-44 have been cancelled without prejudice. New claims 45-51 have been added. It is respectfully submitted that the amendment does not add new matter.

Applicants reserve all rights with respect to the applicability of the Doctrine of equivalents.

### **Specification**

The Examiner has objected to the abstract of the disclosure as failing to comply with MPEP §608.01(b). The Examiner further objected to the Specification because of informalities. Applicant has amended the abstract and the Specification. Applicant respectfully submits that in view of the amendments to the specification the applicable objections have been overcome. Applicants respectfully request the withdrawal of the objections under MPEP §608.01(b).

### **Drawings**

In the Office Action mailed July 3, 2007, the Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(4). These Amendments to the drawings are submitted in response to the Office Action mailed July 3, 2007.

The attached sheets of drawings include changes to Fig. 1 and Fig. 8. Replacement Sheet A, which includes Fig. 1, replaces the original sheet including Fig. 1. In Fig. 1 previously presented reference character “102” used to designate Data Network has been replaced with a newly presented reference character “102” to designate Data Network A. In Fig. 1, previously presented reference “110” used to designate Data Network has been replaced with a newly presented reference character “110” to designate Data Network B.

Replacement Sheet B, which includes Fig. 8, replaces the original sheet including Fig. 8. In Fig. 8, the word “design” in box 310 and the word “analyzes” in box 306 have been corrected.

Applicant respectfully submits that in view of the amendments to the drawings the applicable objections have been overcome. Applicants respectfully request the withdrawal of the objections under 37 CFR 1.84(p)(4).

#### **Claim Objections under 35 U.S.C. §112**

The Examiner objected to claims 1, 4, 5-6, 7-8, 11-12, 14, 18, 24, 25, 27, 29, 34-35, 37, and 41 for minor informalities, lack of antecedent basis, or misspellings. The claims have been amended to remove the informalities, lack of antecedent basis, or misspellings. Applicants respectfully request the withdrawal of the objections under 35 U.S.C. §112.

#### **Claim Rejections under 35 U.S.C. §112, second paragraph**

The Examiner rejected to claims 7, 13, 15, 18-44 under 35 U.S.C. §112, for being

indefinite. The claims have been amended to make appropriate corrections. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §112.

**Claim Rejections under 35 U.S.C. §102(e)**

The Examiner has rejected claims 1-8, 12, 14-15, and 17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,336,138 to Caswell.

The Examiner states that “Caswell discloses ‘a dialog designer’ as a discovery template and generating the service model, these provide the features that the dialog designer provides”. (Office Action dated 06/26/07, page 10, paragraph 27). Applicants respectfully disagree.

Caswell discloses a method and system of modeling a selected service within a network environment by forming a service model template that is not specific to the network and combining it with discovered information that is specific to actual network elements and network services. (Caswell, Abstract). The combination of the template with discovered network information results in generating a service model instance which shows dependencies between the elements and services of the network, identifies the “health” of different elements and services, and diagnoses problems associated with the service.. (Caswell, Abstract; Column 1, lines 6-11). Thus, Caswell discusses monitoring and reporting on service-level metrics. (Column 3, lines 5-15 and lines 28-31).

Claim 1, as amended, recites in part “a dialog designer configured ... to allow for rapid messaging program creation, ... to schedule the messaging programs for

execution, ... to test the messaging programs, to provide reports ... on the messaging programs.”

In contrast to claim 1, as amended, Caswell does not disclose “a dialog designer configured ... to allow for rapid messaging program creation, ... to schedule the messaging programs for execution, ... to test the messaging programs, to provide reports ... on the messaging programs.” Caswell teaches using a network topology of network elements and services to determine the health of a network. However, Caswell does not disclose developing, testing, and executing messaging programs, as well as analyzing of messaging programs results. Therefore, Caswell does not disclose each and every limitation of claim 1. Thus, claim 1, and claims 7-8, 12, 14-15, and 17 which depend on claim 1, are not anticipated by Caswell.

The Examiner has rejected claims 18-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,205,471 to Gilchrist, et al. (hereinafter “Gilchrist”).

The Examiner states that Gilchrist discloses “designing said messaging program” at column 2, lines 51-63. Applicants respectfully disagree.

Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist teaches tailoring a framework by the framework users to meet their requirements for the framework and to provide a mail server system. (Column 2, lines 51-63). The design of the framework comprises the design of the core function of the framework (i.e., that part of the framework that is not subject to potential customization

by the framework consumer) and the extensible function of the framework (i.e., that part of the framework that is subject to potential customization and extension by the framework consumer). (Column 6, lines 31-43).

A framework is a structure and mechanism, i.e., it contains objects and methods, to allow one to design a program. When designing a framework, one designs an environment to enable himself or others to design programs in this environment. In contrast, when one designs a program it is designed to enable an entity to perform an action, usually automatically. Thus, programs are not abstract in their performing some action(s), while a framework is abstract in its creating an environment for other programs to be developed.

Thus, Gilchrist discloses a mechanism for conversion of e-mail messages between different protocols (Column 2, lines 30-32) by describing an electronic mail inter-protocol gateway mechanism that receives e-mail messages from a sending location in one protocol and transfers such messages to a destination location in another protocol. (Column 2, lines 41-48).

However, Gilchrist does not teach or suggest an organization's program designer designing a messaging program. The design of a framework that supports e-mail communication regardless of the e-mail protocol is not the same as the design of a messaging program by an organization's program designer to support communication with messaging users interacting with the messaging program. Thus, Gilchrist does not disclose each and every limitation of claim 18 and, therefore, Gilchrist does not anticipate claim 18, as amended, and claim 19 which is dependent on claim 18.

### **Claim Rejections under 35 U.S.C. §103(a)**

The Examiner has rejected claims 9-10 and 13 under 35 U.S.C. §103(a) as being unpatentable over Caswell in view of U.S. Patent No. 5,958,006 to Eggleston, et al. (hereinafter "Eggleston").

As discussed above, Caswell does not disclose "a dialog designer configured ... to allow for rapid messaging program creation, ... to schedule the messaging programs for execution, ... to test the messaging programs, to provide reports ... on the messaging programs," as recited in claim 1, as amended, from which claims 9-10 and 13 depend. Applicants respectfully submit that Eggleston does not supply the missing limitations.

Eggleston discloses using indices to provide flexibility in reviewing and requesting otherwise filtered data based on user definable filter settings. (Eggleston, Abstract and Column 8, lines 48-55). Because the Eggleston system maintains indices identifying information about data which has not been fully transmitted to a receiving unit, a user may request to receive partial or full transfers of the filtered data. (Eggleston, Abstract). Thus, Eggleston discloses a cost efficient mechanism of reviewing data that failed user selected filter parameters. (Eggleston, Abstract).

However, like Caswell, Eggleston is silent about and does not teach or suggest "a dialog designer configured ... to allow for rapid messaging program creation, ... to schedule the messaging programs for execution, ... to test the messaging programs, to provide reports ... on the messaging programs," as recited in part in claim 1, as amended.

As such, the combination of Caswell and Eggleston does not teach or suggest each and every limitation of claim 1, as amended, and therefore cannot render obvious associated dependent claims 9-10 and 13. Applicants respectfully submit the withdrawal of the rejection of claims 9-10 and 13 over the combination of Caswell and Eggleston.

The Examiner has rejected claims 11, 16, 27-31, 34-41, and 44 under 35 U.S.C. §103(a) as being unpatentable over Caswell in view of Gilchrist.

As discussed above, Caswell does not disclose “a dialog designer configured ... to allow for rapid messaging program creation, ... to schedule the messaging programs for execution, ... to test the messaging programs, to provide reports ... on the messaging programs,” as recited in claim 1, as amended, from which claims 11 and 16 depend. Applicants respectfully submit that Gilchrist does not supply the missing limitations.

As further discussed above, Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist does not teach or suggest “a dialog designer configured ... to allow for rapid messaging program creation, ... to schedule the messaging programs for execution, ... to test the messaging programs, to provide reports ... on the messaging programs,” as recited in claim 1, as amended, from which claims 11 and 16 depend.

As such, the combination of Caswell and Gilchrist does not teach or suggest each and every limitation of claim 1, as amended, and therefore cannot render obvious

associated dependent claims 11 and 16. Applicants respectfully submit the withdrawal of the rejection of claims 11 and 16 over the combination of Caswell and Gilchrist.

Claim 27, as amended, recites in part “looking up the appropriate session context and pull messaging program based on the messaging device address and the program service address”, “executing pull messaging program instructions in the dialog server upon receiving the messaging device originated message and based on the session state and context,” and “routing the messaging device originated message in the message exchange to the appropriate messaging service provider, and storing any message status delivery returned by the message exchange.”

As discussed above, Caswell discloses a method and system of modeling a selected service within a network environment by forming a service model template that is not specific to the network and combining it with discovered information that is specific to actual network elements and network services to monitor and report on service-level metrics. (Caswell, Abstract; Column 3, lines 5-15 and lines 28-31). The combination of the template with discovered network information results in generating a service model instance which shows dependencies between the elements and services of the network, identifies the “health” of different elements and services, and diagnoses problems associated with the service. (Caswell, Abstract; Column 1, lines 6-11).

The Examiner has stated that Caswell does not teach “looking up the appropriate session context and pull messaging program based on the messaging device address and the program service address”, “executing pull messaging program instructions in the dialog server upon receiving the messaging device originated message and based on the session state and context,” and “routing the messaging device originated



message in the message exchange to the appropriate messaging service provider, and storing any message status delivery returned by the message exchange.” (Office Action dated June 26, 2007, page 16, paragraph 3).

The Examiner states that Gilchrist discloses looking up the appropriate session context and messaging program based on the messaging device address and the program service address in the Abstract, at column 2, lines 11-29, and in Fi.21-23. (Office Action dated June 26, 2007, page 16, paragraph 3). The Examiner further states that Gilchrist discloses “executing the messaging program instructions [...] based on the session state” at column 3, lines 21-35 and “routing said message in said message exchange to the appropriate messaging service provider, and storing any message status delivery returned” in Fig. 14 and Fig. 38. (Office Action dated June 26, 2007, page 16). Applicants respectfully disagree.

As discussed, Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist discloses a mechanism for conversion of e-mail messages between different protocols (Column 2, lines 30-32) by describing an electronic mail inter-protocol gateway mechanism that receives e-mail messages from a sending location in one protocol and transfers such messages to a destination location in another protocol. (Column 2, lines 41-48).

Claim 27 recites in part “the messaging device originated message is of any one of a variety of messaging protocols including, but not limited to, Short Message Service

(SMS), Enhanced Message Service (EMS), Multimedia Messaging Service (MMS), Wireless Application Protocol (WAP), HyperText Markup Language (HTML), eXtensible HyperText markup Language (xHTML), instant messaging, e-mail, interactive TV.”

In contrast to claim 27, as amended, Gilchrist does not disclose “the messaging device originated message is of any one of a variety of messaging protocols including, but not limited to, Short Message Service (SMS), Enhanced Message Service (EMS), Multimedia Messaging Service (MMS), Wireless Application Protocol (WAP), HyperText Markup Language (HTML), eXtensible HyperText markup Language (xHTML), instant messaging, e-mail, interactive TV.” Gilchrist teaches a framework that supports conversion of e-mail messages between different protocols. However, Gilchrist does not disclose supporting any of the other messaging technologies taught in claim 27. Therefore, Gilchrist does not disclose each and every limitation of claim 1. Thus, claim 1, and claims 7-8, 12, 14-15, and 17 which depend on claim 1, are not anticipated by Caswell.

As such, the combination of Caswell and Gilchrist does not teach or suggest each and every limitation of claim 27. Therefore, claim 27 is not obvious over the combination of references. Applicants respectfully submit the withdrawal of the rejection of claim 27 over the combination of Caswell and Gilchrist.

Claim 28, as amended, recites in part “the client system is configured to interface with the message application server to enable the client system to develop, analyze, test, deploy, and monitor messaging application, the messaging applications to generate messages, receive messages from and send messages to the message service provider system.”

The Examiner has stated that Caswell does not teach “client systems developing messaging applications.” (Office Action dated June 26, 2007, page 17, paragraph 1). The Examiner has stated that Gilchrist discloses this limitation at Column 2, lines 11-29. (Office Action dated June 26, 2007, page 17, paragraph 1). Applicants respectfully disagree.

As discussed, Gilchrist discloses a mechanism for conversion of e-mail messages between different protocols (Column 2, lines 30-32) by describing an electronic mail inter-protocol gateway mechanism that receives e-mail messages from a sending location in one protocol and transfers such messages to a destination location in another protocol. (Column 2, lines 41-48).

However, Gilchrist does not disclose that “the client system is configured to interface with the message application server to enable the client system to develop, analyze, test, deploy, and monitor messaging application, the messaging applications to generate messages, receive messages from and send messages to the message service provider system,” as recited in part in claim 28, as amended. Disclosing an e-mail gateway that can accept multiple protocols does not disclose client systems developing messaging applications. The Gilchrist mechanism of converting from one e-mail protocol to another is not the same as a client system developing, analyzing, testing, deploying, and monitoring messaging applications, as in amended claim 28. Therefore, Gilchrist fails to teach or suggest the same novel features of claim 28 that are missing in Caswell.

As such, the combination of Caswell and Gilchrist does not teach or suggest each and every limitation of claim 28, as amended, and therefore cannot render obvious

associated dependent claims 29-31, 34-41, and 44. Applicants respectfully submit the withdrawal of the rejection of claims 29-31, 34-41, and 44 over the combination of Caswell and Gilchrist.

The Examiner has rejected claims 32-34 and 42-43 under 35 U.S.C. §103(a) as being unpatentable over Caswell in view of Gilchrist and in further view of Eggleston.

As discussed, the combination of Caswell and Gilchrist does not teach or suggest “the client system is configured to interface with the message application server to enable the client system to develop, analyze, test, deploy, and monitor messaging application, the messaging applications to generate messages, receive messages from and send messages to the message service provider system,” as recited in claim 28, as amended, from which claims 32-34 and 42-43 depend. Applicants respectfully submit that Eggleston does not supply the missing limitations.

Eggleston discloses using indices to provide flexibility in reviewing and requesting otherwise filtered data based on user definable filter settings. (Eggleston, Abstract and Column 8, lines 48-55). Because the Eggleston system maintains indices identifying information about data which has not been fully transmitted to a receiving unit, a user may request to receive partial or full transfers of the filtered data. (Eggleston, Abstract). Thus, Eggleston discloses a cost efficient mechanism of reviewing data that failed user selected filter parameters. (Eggleston, Abstract).

However, Eggleston is silent about and does not teach or suggest that “the client system is configured to interface with the message application server to enable the client system to develop, analyze, test, deploy, and monitor messaging application, the messaging applications to generate messages, receive messages from and send

messages to the message service provider system,” as recited in claim 28, as amended.

As such, the combination of Caswell, Gilchrist, and Eggleston does not teach or suggest each and every limitation of claim 28, and therefore cannot render obvious associated dependent claims 32-34 and 42-43. Applicants respectfully submit the withdrawal of the rejection of claims 32-34 and 42-43 over the combination of Caswell, Gilchrist, and Eggleston.

The Examiner has rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Gilchrist and alleged knowledge in the art.

As discussed, Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist discloses a mechanism for conversion of e-mail messages between different protocols (Column 2, lines 30-32) by describing an electronic mail inter-protocol gateway mechanism that receives e-mail messages from a sending location in one protocol and transfers such messages to a destination location in another protocol. (Column 2, lines 41-48).

However, Gilchrist is silent about and does not teach or suggest an organization’s program designer designing a messaging program, as recited in claim 18, as amended. The design of a framework that supports e-mail communication regardless of the e-mail protocol is not the same as the design of a messaging program by an organization’s program designer to support communication with messaging users

interacting with the messaging program. Alleged knowledge in the art does not supply this limitation. Thus, Gilchrist and alleged knowledge in the art do not disclose each and every limitation of claim 18 and, therefore, the associated dependent claim 20 is not obvious.

The Examiner has rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Gilchrist in view of U.S. Publication No. 2004/0122730 A1 to Tucciarone, et al. (hereinafter "Tucciarone").

As discussed, Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist is silent about and does not teach or suggest an organization's program designer designing a messaging program, as recited in claim 18, as amended, from which claim 21 depends. Applicants respectfully submit that Tucciarone does not supply the missing limitation.

Tucciarone discloses a system and method for a user to request information in desired categories, customize each request with respect to the amount of information wanted, the active duration of such request, the device or IP address(es) to which to deliver such information and other user-specified preferences. (Tucciarone, Abstract). Thus, the Tucciarone method and system disclose an on-request service precluding unwanted solicitation of electronic messages. (Tucciarone, Abstract). However, Tucciarone does not disclose an organization's program designer designing a messaging program, as recited in claim 18, as amended.

As such, the combination of Gilchrist and Tucciarone does not teach or suggest each and every limitation of claim 18, as amended, and therefore cannot render obvious associated dependent claim 21. Applicants respectfully submit the withdrawal of the rejection of claim 21 over the combination of Gilchrist and Tucciarone.

The Examiner has rejected claims 22-25 under 35 U.S.C. §103(a) as being unpatentable over Gilchrist in view of U.S. Publication No. 2002/0049815 to Dattatri.

As discussed, Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist is silent about and does not teach or suggest an organization's program designer designing a messaging program, as recited in claim 18, as amended, from which claim 22-25 depends. Applicants respectfully submit that Dattatri does not supply the missing limitation.

Dattatri discloses a system for monitoring and management of transfer of electronic messages such as to enable businesses to reliably and securely participate in electronic document interchanges (EDI) by adapting business application programs (B2B) for use over the Internet. (Dattatri, Abstract; Page 2, paragraph 0009; Page 3, paragraph 0036). The Dattatri system provides for a secure transfer of messages, tracking, monitoring, archiving, automated responses, and statistics gathering. (Page 1, paragraph 0008; page 2, paragraphs 0009-0011 and 0017). Customer-selected security levels can be specified for different types of traffic. (Page 2, paragraph 0009). Also,

continuous and updated status of the system's network and customer messages is provided. (Page 2, paragraph 0009).

However, like Gilchrist, Dattatri does not teach or suggest an organization's program designer designing a messaging program, as recited in claim 18, as amended.

As such, the combination of Gilchrist and Dattatri does not teach or suggest each and every limitation of claim 18, and therefore cannot render obvious associated dependent claims 22-25. Applicants respectfully submit the withdrawal of the rejection of claims 22-25 over the combination of Gilchrist and Dattatri.

The Examiner has rejected claim 26 under 35 U.S.C. §103(a) as being unpatentable over Gilchrist in view of Eggleston.

Claim 26, as amended, recites in part filtering out the messaging device addresses of users that have opted out, the filtering out to result in the users that have opted out not receiving push messages.

As discussed, Gilchrist discloses an object-oriented (OO) framework for use with object-oriented programming (OOP) systems which provides a common message processing system structure that can be placed on any OOP platform and be configured to support any e-mail message protocol standard or specific mail function. (Gilchrist, Abstract). Gilchrist discloses a mechanism for conversion of e-mail messages between different protocols (Column 2, lines 30-32) by describing an electronic mail inter-protocol gateway mechanism that receives e-mail messages from a sending location in one protocol and transfers such messages to a destination location in another protocol. (Column 2, lines 41-48).



The Examiner has stated that Gilchrist does not teach filtering out the messaging device addresses of users that have opted out. (Office Action dated 06/26/07, page 26, paragraph 1). The Examiner also has stated that Eggleston teaches “an opt-out system.” (Office Action dated 06/26/07, page 26, paragraph 1). Applicants respectfully disagree.

Eggleston discloses using indices to provide flexibility in reviewing and requesting otherwise filtered data based on user definable filter settings. (Eggleston, Abstract and Column 8, lines 48-55). Because the Eggleston system maintains indices identifying information about data which has not been fully transmitted to a receiving unit, a user may request to receive partial or full transfers of the filtered data. (Eggleston, Abstract). Thus, Eggleston discloses a cost efficient mechanism of reviewing data that failed user selected filter parameters. (Eggleston, Abstract).

In contrast to claim 26, as amended, Eggleston discloses that clients are provided with a means to effect filtering of their communications based on user-defined settings, rather than having to choose between receiving no messages or receiving all messages. (Column 8, lines 48-55). Thus, Eggleston does not teach or suggest filtering out the messaging device addresses of users that have opted out, the filtering out to result in the users that have opted out not receiving push messages.

As such, the combination of Gilchrist and Eggleston does not teach or suggest each and every limitation of claim 26, and therefore cannot render claim 26 obvious. Applicants respectfully submit the withdrawal of the rejection of claims 26 over the combination of Gilchrist and Eggleston.

## **Conclusion**

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith A. Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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